

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA

v.

4:06CR60

JAVON SAVOY,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

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Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to conspiracy to possess with intent to distribute cocaine and possession of a firearm in furtherance of drug trafficking, in violation of 21 U.S.C. § 846, and 18 U.S.C. § 924(c). Defendant is also charged with possession with intent to distribute cocaine (Count 2), and being a felon in possession of a firearm (Count 4), in violation of 21 U.S.C. § 841(a)(1), and 18 U.S.C. § 922(g)(1). Defendant understands that these charges will be dismissed upon acceptance of his guilty plea, and the United States confirmed defendant's understanding.

Defendant was represented by retained counsel, Steven C. Frucci, Esquire. On September 14, 2006, defendant appeared before the Court for the purpose of entering his guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly

understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a pretrial services report and sentencing.

Defendant is twenty-seven years of age, has a high school diploma, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, defendant acknowledged that the statement of facts prepared in anticipation of his pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offenses. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

**Norfolk, Virginia**  
**September 18, 2006**

/s/  
**James E. Bradberry**  
**United States Magistrate Judge**

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of  
the following:

Steven C. Frucci, Esquire  
Stallings & Bischoff, P.C.  
P.O. Box 1687  
Virginia Beach, VA 23451-4160

Eric M. Hurt, Esquire  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2006